

Amendment 12 to Council Bill No. 24-2014

BY: Chairperson at the request
of the County Executive and
Greg Fox, Mary Kay Sigaty and
Jennifer Terrasa

Legislative Day No. 6
Date: May 21, 2014

Amendment No. 12

(This amendment reduces the Fleet Operations Fund, fuel reserve, by \$1,000,000, adds \$1,000,000 to Pay as You Go Funds, and adds \$1,000,000 to the Total, General Fund. In addition to changes to the Ordinance, this amendment also ~~includes the changes~~ authorizes increased funding for the Downtown Columbia Arts and Culture Commission as reflected in the attached budget document pages entitled Non Departmental Expenses.)

On page 4, before line 1, insert:

“Section 12. And Be It Further Enacted by the County Council of Howard County, Maryland, that no funds appropriated by this Act may be disbursed to the Downtown Columbia Arts and Culture Commission (DCACC) until the Board of Directors of the Downtown Arts and Culture Commission and the County shall first execute a grant agreement that provides for the following:

(a) Howard County will grant to DCACC \$500,000 upon execution of a grant agreement or on July 1, 2014, whichever is later; and

(b) Howard County will establish a bank managed trust (“trust”) to hold the funds appropriated by Howard County for the DCACC, including funds intended to benefit the redevelopment of Merriweather Post Pavilion. Howard County will deposit \$9.5 million appropriated for this purpose on the later of July 31, 2014 or the execution of the Joint Development Agreement as called for in the MOU and execution of a trust agreement between the County and DCACC and a trustee. The trust will pay on a regular basis, but

1 at least annually, to the DCACC any interest income on funds held in trust, less fees
2 associated with the trust. The trustee will release the remaining funds held in trust to the
3 DCACC after it confirms that as a minimum the following conditions have been satisfied:

- 4 • A joint development agreement has been executed, that conforms generally to the
5 executed MOU dated April 10, 2014 and provides for the following: a)
6 availability of the facility to the DCACC and Howard County for use for public
7 school and Howard Community College graduations and other civic, cultural,
8 and community events; b) creating a permanent parking solution for
9 Merriweather and the Crescent; c) that the commercial loan for the renovation of
10 Merriweather be spent first; d) that the DCACC has the right to approve
11 renovation plans and revisions; e) the property will be conveyed to the DCACC
12 by special warranty deed, with good and marketable title, free and clear of all
13 encumbrances; f) the renovations for Merriweather generally listed in Exhibit A
14 and g) a preliminary schedule for required renovations to Merriweather as
15 generally proposed in Exhibit B, attached to this amendment.

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17 • A site development plan (SDP) has been submitted to the Department of Planning
18 and Zoning that conforms generally to the 2004 Ziger Snead Study and to the
19 requirements in Exhibit A attached to this amendment and that includes plans a)
20 to raise the main roof to meet current concert standards, b) to install a sprinkler
21 system for the 932 Club, c) for a new trash and recycling area, and d) for meeting
22 all current building and development codes.

- 23
24 • The SDP has been approved as submitted or as modified by the Planning Board

25
26 (c) The DCACC will submit an annual report to the County Council and the County
27 Executive on the status of the redevelopment of Merriweather, the satisfaction of the
28 terms of the grant agreement and the joint development agreement, the expenditure of

1 funds appropriated by the County, and the activities of the DCACC to accomplish its
2 mission of stimulating arts and culture in Downtown Columbia;

3
4 (d) Any funds in the trust that have not been disbursed by May 21, 2019, shall revert
5 to Howard County, unless the County, the DCACC, the Merriweather Post Business
6 Trust, and the Howard Hughes Corporation agree mutually to an extension of this time
7 period.

8 Also on page 4, in line 1, strike “**Section 12**” and substitute “**Section 13**” and in line 6 strike
9 “**Section 13**” and substitute “**Section 14**”.

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11 Remove pages 5, 53, and 185 from the Operating Budget for Fiscal Year 2015, attached to the
12 Bill as introduced, and replace with the substitute page 5, 53, and 185 as attached to this
13 Amendment.